

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.:	09/672,200	Examiner:	Truong, Lechi
Filed:	September 27, 2000	Group/Art Unit:	2194
Inventors:	Gregory L. Slaughter, et al.	Atty. Dkt. No.:	5181-57500
Title: Remote function			
Invocation with Messaging			
in a Distributed Computing			
Environment.			

## PRE-APPEAL BRIEF REQUEST FOR REVIEW

**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants request review of the rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. Review is requested for the reasons stated below.

Claims 1, 2, 4-11, 13-15, 17, 18, 20-16, 28-31, 33-36, 51, 52, 54-57, 59 and 73-80 are pending in the application. Reconsideration of the present case is earnestly requested in light of the following remarks. Please note that for brevity, only the primary arguments directed to the independent claims are presented, and that additional arguments, e.g., directed to the subject matter of the dependent claims, will be presented if and when the case proceeds to Appeal.

The Examiner rejected claims 1, 2, 7-11, 17, 18, 21-26, 33, 34, 51, 52, 56 and 57 under 35 U.S.C. § 103(a) as being unpatentable over Brandle et al. (U.S. Patent 5,218,699) (hereinafter “Brandle”) in view of Roth et al. (U.S. Patent 6,285,987) (hereinafter “Roth”), claims 35, 36, 54, 55, 28, and 73-76 as being unpatentable over Brandle in view of Roth and further in view of Anderson, et al. (“Professional XML”) (hereinafter “Anderson”), claims 15 and 31 as being unpatentable over Brandle in view of Roth and further in view of Cuomo (U.S. Patent 6,185,614), claims 77-80, 4 and 20 as being unpatentable over Brandle in view of Roth and further in view of Humpleman et al. (U.S. Patent 6,466,971) (hereinafter “Humpleman”), and claims 5 and 6 as being unpatentable over Brandle in view of Roth and Humpleman and further in view of Anderson. Applicants respectfully traverse this rejection for at least the following reasons and submit that the Examiner has not provided a *prima facie* rejection.

**Regarding claim 1, Brandle in view of Roth fails to teach or suggest storing the generated results data to space service in a distributed computing environment.** The Examiner argues that queue 116 of Brandle is a space service. However, Brandle clearly describes queue 116 as a local software queue, not as a service in a distributed computing environment. The Examiner contends that queue 116 “stores generated results data, which provides a queuing service.” However, a simple software queue, such as queue 116 is not a service in a distributed computing environment, as services are understood in the art. **No one of ordinary skill in the art would consider Brandle’s queue 116 as a space service in a distributed computing environment.** Additionally, Roth also fails to teach or suggest storing the generated results data to space service in a distributed computing environment and thus, Brandle and Roth, whether considered singly or in combination, clearly fail to teach or suggest storing the generated results data to space service in the distributed computing environment.

In the Response to Arguments and the Advisory Action, the Examiner argues that Brandle’s queue 116 “is a space service in the distributed computing environment since the results and information were passed from one service to the other.” **However, the actual teachings of the reference do not support the Examiner’s interpretation.** Brandle very clearly describes that a local node uses a queue 116 to locally store received results “for later retrieval by the application” executing on the same node. Using a local queue to locally store information for retrieval by a local application does not in any way teach or suggest storing the generated results data to a space service in the distributed computing environment. No one of ordinary skill in the art would consider a local software queue to be a service in a distributing computing environment.

**Brandle in view of Roth also fails to teach or suggest providing an advertisement for the stored results data to the client, where the advertisement comprises information to enable access by the client to the stored results data and the client accessing the stored results data from the space service in accordance with information in the provided advertisement.** The Examiner admits that Brandle fails to teach this limitation and relies upon Roth, citing column 3, lines 35-40, column 4, lines 58-62 and column 6, lines 7-11. Roth teaches a system for providing commercial advertisements from a central server to viewers who access web sites. **Roth’s system is concerned with providing commercial advertisements on web pages and has absolutely nothing to do with Brandle’s remote procedure call system or Applicants’ invention.** Roth’s system evaluates, in real time, bids from different commercial advertisers in order to determine which particular commercial advertisement will be displayed to a viewer. The type of commercial advertising discussed in Roth has absolutely nothing to do with providing an advertisement for stored results data stored in a space service of a distributed computing environment, where the advertisement comprises information to enable access by the client to the stored results data.

In the Advisory Action, the Examiner refers to the fact that Roth teaches a web page including an HTML reference to a file is transmitted to a browser. When a viewer accesses the web page, Roth’s system determines which commercial advertisement from a database to present to the viewer. The Examiner refers to Roth’s system providing an HTML reference to a file with the determined advertisement from the database. The Examiner concludes, “client access to

[Roth's] database 16A of the server system 16 because the HTML reference to a file (i.e., advertisement) stored on the server" (parentheses by Examiner). **The Examiner fails to make even a basic attempt to explain how Roth's webpage-based file reference can be considered an advertisement to an entry in Brandle's queue 116, which the Examiner argues is the space service of Applicants' claims.** Claim 1 requires storing the generated results data to a space service and providing an advertisement including information to enable access by the client to the stored results data. Brandle's queue 116 is not only inappropriate for, but also incompatible with, Roth's web page based commercial advertising system. Roth's commercial advertising system has nothing to do with enabling client access to information stored locally on Brandle's queue 116. **Providing a reference to a commercial advertisement based on various advertiser bids, as taught by Roth, is completely different than providing an advertisement for the stored results data to the client, where the advertisement comprises information to enable access by the client to the stored results data.** Even if combined with Brandle, Roth's system does not provide an advertisement including information to enable access by a client to data stored in Brandle's local queue.

Furthermore, even if combined as suggested by the Examiner, Brandle and Roth would fail to teach or suggest **providing an advertisement for the stored results data to the client, where the advertisement comprises information to enable access by the client to the stored results data.** Instead, the combination of Brandle and Roth would result in a system that performs remote procedure calls as taught by Brandle, but also selects an advertisement, based on bids from advertisers, to display to a user via a web page.

Additionally, Roth specifically teaches using advertiser bids to determine which commercial advertisement to display to the user. Thus, Roth's system is completely inappropriate and incompatible with Brandle's remote procedure call system. Brandle is not concerned with supplying commercial advertisements. Brandle teaches that after a procedure is executed any results are returned to the calling application program. Modifying Brandle to include links to commercial advertisements would not make any sense and would clearly fail to return the results of a procedure call to the calling application.

**The Examiner also fails to provide a proper motivation to combine Brandle and Roth.** The Examiner asserts that it would have been obvious to combine the teaching of Brandle and Roth, "because Roth's providing an advertisement for the stored data to the client ... would improve the efficiency of Brandle's system by providing a very flexible system whereby advertisers (sic) can minimize cost and maximize effectiveness while the owner of web sites can obtain the highest[sic] possible revenue for displaying advertisements on their site." In the Advisory Action, the Examiner only repeats his earlier flawed argument that the "advertisement of Roth can be used for many different purposes to improve the networking communication of Brandle and provide a very flexible system whereby advertisers can minimize cost and maximize effectiveness while the client can obtain the highest possible access to the storage."

As noted above, Brandle is not concerned at all with providing commercial advertisements, allowing advertisers to minimize cost and maximize effectively, or about allowing the owner of web sites to obtain higher revenue. Additionally, Roth is not concerned with, nor would his commercial advertisements be appropriate for, improving the network

communication of Brandle. One of ordinary skill in the art would have no reason to apply the commercial advertisement of Roth to the local software queue of Brandle. Nor would such a modification even make sense.

The Examiner stated motivation has absolutely nothing to do with Brandle's system. In fact, the Examiner's stated motivation is simply a description of the benefits of Roth's system. Roth specifically states, “[t]he present invention provides a very flexible system whereby advertisers can minimize cost and maximize effectiveness while the owner of web sites can obtain the highest possible revenue for displaying advertisements on their site” (Roth, column 2, line 66 – column 3, line 2). A person seeking to provide commercial advertisements, allow advertisers to minimize cost and maximize effectively, and/or allow the owner of web sites to obtain higher revenue would not be motivated to use Brandle's system at all. Instead such a person would simply use Roth's system.

Similar remarks also apply to claims 33 and 51.

**In regards to claim 17, Brandle in view of Roth fails to teach or suggest a space service device configured to receive and store results data from service devices in the distributed computing system.** The Examiner contends that Brandle's queue 116 is a space service. However, as noted above regarding claim 1, Brandle's queue 116 is merely a software queue and not a space service. Please refer to the remarks above regarding claim 1 for a more details discussion of Brandle's queue 116 and Brandle's failure to teach a space service. Furthermore, Brandle's queue 116 is clearly not a *space service device*. Roth also fails to teach anything about space service devices and thus fail to overcome Brandle's failure to teach or suggest a space service device configured to receive and store results data from service devices in the distributed computing system. Thus, the combination of Brandle and Roth clearly fails to teach or suggest a space service device configured to receive and store results data from service devices in the distributed computing system.

**Additionally in regard to claim 17, Brandle in view of Roth fails to teach or suggest where a service device configured to store results data to the space service device and provide an advertisement for the stored results data to the client device, where the advertisement includes information to enable access by the client device to the stored results data.** Please refer to the remarks above regarding claim 1 for a details discussion regarding how the combination of Brandle and Roth does not teach or suggest storing results data to a space service and providing an advertisement for the stored results data.

In light of the foregoing remarks, Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested. If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 501505/5181-75700/RCK.

Also enclosed herewith are the following items:

Notice of Appeal

Respectfully submitted,

/Robert C. Kowert/

Robert C. Kowert, Reg. #39,255  
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8850

Date: February 13, 2007